

Appl. No. 10/710,512
Response dated 12/30/2005
Reply to Office Action of 9/30/2005

REMARKS/ARGUMENTS

Objections to Specification

The Examiner has objected to the abstract for having more than 150 words. The abstract has been amended to have less than 150 words.

Claim remarks with regards to 35 U.S.C. §112

The Examiner has rejected claims 35-37, 40-42, 45-47 under 35 U.S.C. §112, 2nd paragraph due to the use of the word “substantial” in these claims. The Examiner further states that the specification does not provide a standard for ascertaining the requisite degree.

Applicant respectfully disagrees and points to paragraph 0015 of the specification for the definition of “substantially” with respect to 37 degrees:

“Substantially 37 degrees” means any mounting angled to take advantage of the diagonal of a 4:3 aspect ratio camera that is in keeping with the spirit of the invention, namely between purely horizontal and purely vertical, or 0 and 90 degrees but closer to 37 degrees than 45 or 29 degrees.

Applicant further respectfully disagrees and points to paragraph 0016 of the specification for the definition of “substantially” with respect to 45 degrees:

“Substantially 45 degrees” means any mounting angled to take advantage of the diagonal of a 1:1 aspect ratio camera that is in keeping with the spirit of the invention, namely between purely horizontal and purely vertical, or 0 and 90 degrees but closer to 45 degrees than 37 or 29 degrees.

Applicant further respectfully disagrees and points to paragraph 0017 of the specification for the definition of “substantially” with respect to 29 degrees:

“Substantially 29 degrees” means any mounting angled to take advantage of the diagonal of a 16:9 aspect ratio camera that is in keeping with the spirit of the invention, namely between purely horizontal and purely vertical, or 0 and 90 degrees but closer to 29 degrees than 37 or 45 degrees.

Applicant respectfully believes that the use of the word “substantial” does not readily render a claim indefinite. See MPEP 2173.05(b):

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The term “substantially” is often used in conjunction with another term to describe a particular characteristic of the claimed invention. It is a broad term. *In re Nehrenberg*, 280 F.2d 161, 126 USPQ 383 (CCPA 1960). The court held that the limitation “to substantially increase the efficiency of the compound as a copper extractant” was definite in view of the *general guidelines* contained in the specification. ... *emphasis added*.

In this particular case, Applicant respectfully has defined numerical value ranges that are clearly detailed in the specification that limit the range of values possible for each use of “substantial” in the claims. In the case cited in 2173.05(b), only “*general guidelines*” made the use of the word substantially definite. Applicant respectfully has far exceeded the standard by providing definitions in the specification that point out the values allowed.

Claim remarks with regards to 35 U.S.C. §103

The Examiner has rejected claims 34-48 under 35 U.S.C. §103 as being unpatentable over Ambrose (6,595,704) in view of Iwai et al., (20050185049).

Applicant respectfully disagrees that either cited reference allows for rotation of cameras about the same axis that the Applicant has claimed. With respect to the limitations disclosed in Ambrose, Ambrose’s use of the phrase “roll axis” is non-standard and actually refers to the “yaw” axis (as it is normally defined). For example, the two eye-ball like cameras in Fig. 9, are never cocked clockwise or counter clockwise about the ‘nose’ axis which would emanate outward between the eyes, rather the cameras rotate about the yaw axis (rotate about a vertically pointing axis 94 for example) or rotate about the pitch axis (rotate about an axis parallel to the surface of the earth 96 for example). In addition, the cameras act like chameleon-like eyes that move independently and are the elements to which the application is actually directed.

With regard to Applicant’s claimed invention, see Figs. 1B and 8, noting that Ambrose does not comprise “a camera mount coupled with said first camera and said second camera wherein said camera mount is rotated in a first axial angle between 0 and 90 degrees about a roll axis”.

The Iwai et al., reference cited by the Examiner is directed at calibrating an existing camera with known test objects. The methods of Iwai et al., are not directed for example at

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simplifying or obtaining more accurate distance calculations for "calculating distances to objects within three-dimensional space in an environment comprising horizontal and vertical lines using an angled axis machine vision system" as Applicant's invention discloses and claims. Rather, Iwai et al., teaches methods that are directed at making sure that the distortions of camera lenses are compensated for and that calculated distances are actually correct. Iwai et al., does not contemplate a "camera mount is rotated in a first axial angle between 0 and 90 degrees about a roll axis" to perform its distortion corrections or distance calculations.

As the first reference cited by the Examiner does not comprise Applicant's claim elements alone or in combination with the Examiner's second cited reference, which likewise does not comprise Applicant's elements alone or in combination, the Examiner has respectfully not formed a rejection that comprises a "Reasonable expectation of success" since the combined references would not work, *as per MPEP 2141 "Basic Considerations Which Apply To Obviousness Rejections", paragraph (D)*. In addition, even if the two references cited did comprise a roll angle axis camera mount and instructions for moving the camera mount to an angle other than horizontal, the cited references still do not "suggest the desirability and thus the obviousness of making the combination", *as per MPEP 2141 "Basic Considerations Which Apply To Obviousness Rejections", paragraph (B)*. As such, Examiner's statement that "official notice that joints capable of rotating to angles between 0 and 90 degrees were common and notoriously well known in the art at the time of the invention" is respectfully irrelevant since no reference cited by the Examiner suggests the desirability of the combination claimed by Applicant which incidentally does not claim a "joint".

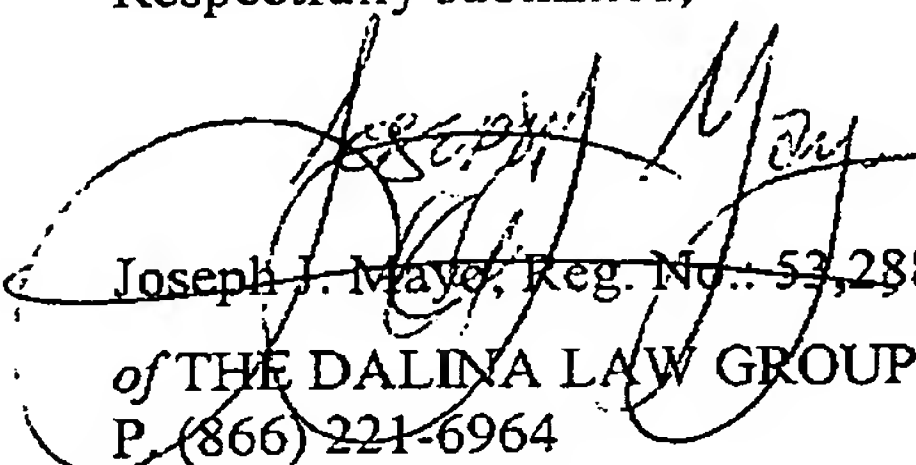
In order to expedite examination, the third reference cited by the Examiner, namely Tritchew et al., (5,897,223) is analyzed. Tritchew et al., Fig. 1a, shows the standard notations for axes, yaw, pitch and roll that are not utilized in a standard way in Ambrose. In addition, the stabilizer of Tritchew et al., is intended to keep a camera from rolling through the roll axis (and other axes) for example when the camera mount is mounted on a plane. It is not the intent of Tritchew et al., or any known camera mount to stabilize cameras at a cocked angle as the viewing audience would find this disagreeable.

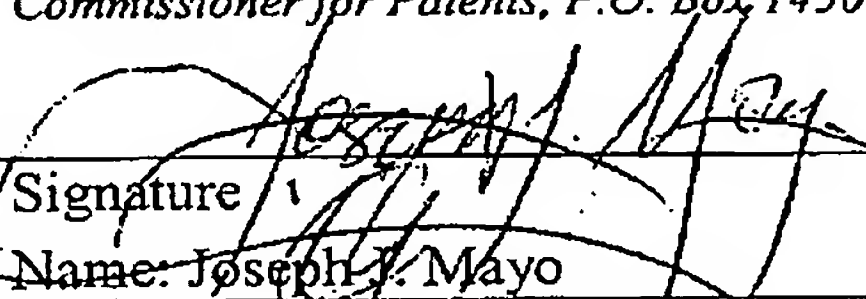
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CONCLUSION

As all objections have been answered by Applicant and since the claims are not anticipated or rendered obvious by the references supplied by the Examiner, Applicant respectfully submits that the claims are in condition for allowance. If the Examiner differs in this conclusion, the Examiner is hereby requested to contact Applicant's representative for purposes of a telephone interview at the number listed below before any action (other than an allowance) is initiated.

Respectfully submitted,


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Correspondence Info: Customer Number 36067	<i>CERTIFICATE OF MAILING or TRANSMISSION</i> <i>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on <u>December 30, 2005</u> to 571-273-8300 or is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</i>
	 Signature Name: Joseph J. Mayo Date: December 30, 2005